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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/799,400 02/12/97 SASAKI

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EXAMINER

LERNER DAVID LITTENBERG
KRUMHOLZ AND MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090-1497

LEV, B	
ART UNIT	PAPER NUMBER

3634

DATE MAILED:

05/11/00

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/799,400

Applicant(s)

Sasaki et al

Examiner

Bruce A. Lev

Group Art Unit

3634



☒ Responsive to communication(s) filed on April 26, 2000 as a CPA

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-33 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent of Sasaki et al 8,242,526 in view of Nimiya et al 4,933,512.

As concerns claims 1-28, and 31-33, Sasaki et al disclose the invention including a closure comprising a pair of semicylindrical sleeve members 1 vertically separable surrounding a cable connection section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 3 on opposite ends of the sleeve, wherein each end plate has a sealing member (viewed as the respective edge material) integrally provided on its outer periphery including a plurality of peak and valley shaped grooves (as illustrated in Figure 20C) which are integrally formed on the outer periphery surface of the end plate, the peak and valley grooves extending in a circumferential direction abutting the inner surface of the sleeve, and wherein they are formed of rubber plastic material having cable guide holes 20, further, said end plate is removably fitted with an opening prevention connection member 23 extending over both sides of the slit and removably fitted with a second rigidity holding member at a central portion between the guide holes and abutted against an end wall of the sleeve; hinges and fasteners, inclusive of members 27,28,30,34, releasably hooked between and connecting the sleeve members; end plates formed with slits, inclusive of 22,25, extending from the guide holes to an outer periphery of the end plate; and guide hole caps 21 with rigidity holding members viewed as

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the surfaces between the cap and the holes. **What Sasaki et al do not show** is a gasket including an adhesive between the end plates and the sleeves on the outer periphery surface of the end plate and conforming to the outer periphery of the end plate and the plurality of peak and valley shaped grooves of the sealing member. However, **Nimiya et al teach** gasket 60 including an adhesive, discussed in column 7 lines 15-20 and illustrated in figures 6a, 6b, and 7, between the end plates 40 and the sleeves 20 on the outer periphery surface of the end plate and conforming to the outer periphery of the end plate and the sealing member. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the closure of Sasaki et al by incorporating a gasket including an adhesive between the end plates and the sleeves, the gasket conforming to the outer periphery of the end plate and the plurality of peak and valley shaped grooves, as taught by Nimiya et al, in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

As concerns claims 29 and 30, Sasaki et al in view of Nimiya et al disclose the invention as claimed except for the gasket being made of thermoplastic rubber exhibiting a penetration, elongation, and tensile stress claimed. However, the examiner takes the position that since no engineering advantages have been disclosed for forming the gasket from these exact dimensions, and since it appears that various other dimensions would work equally as well, it would have been an obvious matter of **engineering design choice**, as determined through routine experimentation and optimization, to provide Sasaki et al with the values specified.

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Response to Amendment

2. Applicants' remarks filed April 26, 2000 have been fully considered but are not deemed to be persuasive.

As concerns remarks pertaining to the configuration of Sasaki et al not being similar to the applicant's configuration, the examiner disagrees with the applicant's characterizations and points out that the structural similarities are clearly evident within the illustrations (i.e. Figures 1, 5, 17, and 20-22). Furthermore, previous communications from the applicant (i.e., amendment A of April 17, 1998) have inherently agreed with the examiner's characterizations between Sasaki et al and the applicant's configuration and have merely focused on the combination of Sasaki et al in view of Nimiya et al.

As concerns remarks pertaining to the end plates being provided with sealing members being in a form that includes a plurality of peak and valley shaped grooves that match that of the plate members, the examiner takes the position that the sealing members of Nimiya et al are formed from a pliable material such that when applied to a member having a plurality of peak and valley shaped grooves, would conform to that shape and therefore would also include a plurality of peak and valley shaped grooves that match that of the plate member.

As concerns remarks pertaining to the sealing member of Nimiya et al not extending over the entire circumferential surface of the end plate 40 and therefore cannot be combined properly with Sasaki et al, the examiner takes the position that Nimiya et al is being used to teach the fact that it is known to apply a gasket material that includes an adhesive between end plates and

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sleeves of a cable closure. Therefore, it would have been obvious to modify the closure of Sasaki et al by incorporating a gasket including an adhesive between the 'entire circumferential surface' of the end plates and the sleeves, wherein the gasket would conform to the outer periphery of the end plate and the plurality of peak and valley shaped grooves, in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references disclose cable connectors incorporating sealing members:

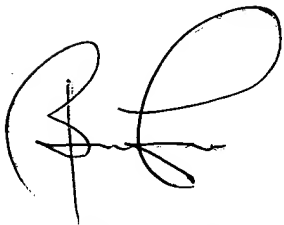
4,622,092	Bohannon, Jr. et al	156/461
5,883,333	Wambeke et al	174/92
6,037,544	Lee et al	174/92
6,051,792	Damm et al	174/92x

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

May 9, 2000

A handwritten signature in black ink, appearing to be 'B. Lev', with a large loop at the end.

Bruce A. Lev

Patent Examiner

Group 3600